

1

2

3

4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA

6

TROY ANDERSON,

7

Plaintiff,

8

v.

9

WARDEN,

10

Defendant.

11

Case No. [19-cv-06120-JSW](#)

12

13 **ORDER TO SHOW CAUSE;
14 DENYING MOTIONS**

15

Re: Dkt. Nos. 28-30

16

Petitioner is a California prisoner proceeding pro se. He has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. He has paid the filing fee.

17

This court may entertain a petition for a writ of habeas corpus “in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2254(a). It shall “award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.” *Id.* § 2243.

18

Petitioner claims that his conviction and sentence violated his rights under the Double Jeopardy Clause; he received ineffective assistance of counsel; there was insufficient evidence to support his conviction; and he was incompetent to stand trial. These grounds, when liberally construed, state cognizable grounds for federal habeas relief. Accordingly, Respondent is ordered to show cause why it should not be granted, as follows:

19

1. The Clerk shall serve a copy of this order and the petition (ECF No. 1) on Respondent and Respondent's attorney, the Attorney General of the State of California. The Clerk also shall serve a copy of this order on Petitioner.

20

21

1 2. Respondent shall file with the Court and serve on Petitioner, within **ninety-one (91)**
2 days of the issuance of this order, an answer conforming in all respects to Rule 5 of the Rules
3 Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be granted.
4 Respondent shall file with the answer and serve on Petitioner a copy of all portions of the state
5 trial record that have been transcribed previously and that are relevant to a determination of the
6 issues presented by the petition. If Petitioner wishes to respond to the answer, he shall do so by
7 filing a traverse with the Court and serving it on Respondent within **twenty-eight (28)** days of the
8 date the answer is filed.

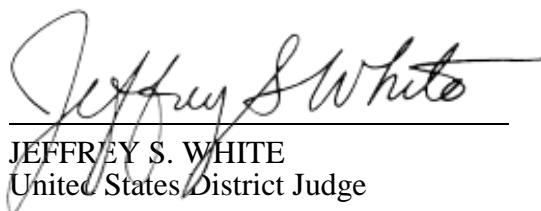
9 3. Respondent may, within **ninety-one (91) days**, file a motion to dismiss on procedural
10 grounds in lieu of an answer, as set forth in the Advisory Committee Notes to Rule 4 of the Rules
11 Governing Section 2254 Cases. If Respondent files such a motion, Petitioner shall file with the
12 Court and serve on Respondent an opposition or statement of non-opposition within **twenty-eight**
13 (**28**) days of the date the motion is filed, and Respondent shall file with the Court and serve on
14 Petitioner a reply within **fourteen (14)** days of the date any opposition is filed.

15 4. It is Petitioner's responsibility to prosecute this case. Petitioner must keep the Court
16 informed of any change of address by filing a separate paper captioned "Notice of Change of
17 Address." He must comply with the Court's orders in a timely fashion. Failure to do so may
18 result in the dismissal of this action for failure to prosecute pursuant to Federal Rule of Civil
19 Procedure 41(b).

20 5. Leave to proceed in forma pauperis is GRANTED. Petitioner's requests for an
21 extension of time are DENIED as unnecessary.

22 **IT IS SO ORDERED.**

23 Dated: November 18, 2019


JEFFREY S. WHITE
United States District Judge

TROY ANDERSON,
Plaintiff,
v.
WARDEN,
Defendant.

Case No. [4:19-cv-06120-JSW](#)

CERTIFICATE OF SERVICE

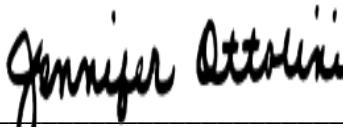
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 18, 2019, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Troy Anderson ID: CDCR # V57236
Kern Valley State Prison
C yard, Cell C-7, 107 Low
PO Box 5103
Delano, CA 93216

Dated: November 18, 2019

Susan Y. Soong
Clerk, United States District Court

By: 
Jennifer Ottolini, Deputy Clerk to the
Honorable JEFFREY S. WHITE